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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,308

Applicant(s)

BAE ET AL.

Examiner

Blane J. Jackson

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-13 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 recites the limitation "the new BCMCS controller". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Hsu et al. (US 2003/0054807).

As to claim 1, Hsu teaches a method for controlling a Mobile Station (MS) to receive Broadcast/ Multicast Service (BCMCS) data in a mobile communication system including at least one BCMCS controllers and the MS for receiving the BCMCS data through a base station comprising the steps of:

Receiving from a new BS, a new BCMCS zone ID that is different from a prestored old BCMCS zone ID while receiving old BCMCS data from an old BS

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(paragraphs 0083-0092, mobile station monitors the BCMCS data before and during cell switching),

Requesting new BCMCS data to the new BS (0089-0092, the mobile station monitors, selects then registers with the new BS to indicate the desired services (paragraphs 0080, 0078-0079 and 0092, the mobile station registers with the new base station to indicate desired services; paragraph 0079, the system applies a dedicated mode using a cyclic repetition scheme used for packet data services utilized for BCMCS in soft handoff in a CDMA 2000 system, not autonomous handoff),

Establishing a channel with the new BS (paragraph 0092),

Receiving a BCMCS information from the new BS (paragraph 0089).

Receiving the new BCMCS data from the new BS using the BCMCS information (paragraphs 0093-0095).

Allowable Subject Matter

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 2 in view of the USC 112 issue previously addressed, the prior art made of record teaches the discovery and exchanging control signals with the target base station but does not teach transmitting a registration message to the new BS for being provided the BCMCS data by using a new BCMCS controller.

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As to claim 3, the prior art made of record does not teach the step of establishing a predetermined path with the PDSN connected to the new BCMCS controller.

Claims 4-13 are allowed. As to claims 4 and 7, the prior art made of record teaches a method for soft handoff in a CDMA system transporting Broadcast/Multicast Service data but does not teach the method determining, by the new BCMCS controller, whether new BCMCS associate information is equal to old BCMCS associate information and receiving the determination result from the new BCMCS controller.

As to claim 11, the prior art made of record teaches an apparatus for soft handoff in a CDMA system transporting Broadcast/ Multicast Service data but does not teach the apparatus comprising at least two BCMCS controllers that are connected to at least one PDSN which transmits packet data service data to the at least one BS for transmitting BCMCS association information for the BCMCS data requested by the MS to the MS over the connected PDSN and containing the BCMCS zone Ids.

Conclusion

The prior art made of record and not relied upon but considered pertinent to applicant's disclosure Trossen et al. (US 7,272,122), Baba et al. (Us 2002/0141360), Jeong et al. (US 7,203,512), Kumaki et al. (US 6,473,411), Terry (US 7,212,824), Paila et al. (US 2003/0100325) and Willenegger et al. (US 2006/0189272).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-

7890. The examiner can normally be reached on Monday through Thursday, 7:30 AM-6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

